

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALEXANDER BOSTICK and DEPARTMENT OF THE NAVY,
PHILADELPHIA NAVAL SHIPYARD, Philadelphia, PA

*Docket No. 00-1279; Submitted on the Record;
Issued November 15, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant's employment-related stress disorder caused disability for work.

In a decision dated October 31, 1996, a hearing representative of the Branch of Hearings and Review denied compensation for temporary total disability resulting from appellant's June 12, 1980 employment injury. The hearing representative reviewed the medical evidence of record and found that it failed to establish that appellant was unable to perform his light-duty job on or after June 12, 1980 as a result of his accepted back conditions. The hearing representative noted, however, that a report from Dr. Alan Goldberg, a psychologist, provided *prima facie* evidence of a psychological condition causally related to his employment injury and further development of the claim was in order.

In the prior appeal of this case,¹ the Board affirmed the hearing representative's October 31, 1996 decision. The Board found that the hearing representative's decision was in accordance with the facts and the law in the case. The Board noted, however, that while the hearing representative suggested that the Office had not yet accepted appellant's case for an employment-related emotional condition, the record revealed that the Office had in fact accepted appellant's case for stress disorder.

On remand, the Office determined that the remaining issue was whether the psychological evidence was sufficient to support total disability after June 12, 1980. In a decision dated May 12, 1999, the Office denied compensation for temporary total disability beginning June 12, 1980 due to the employment injury of that date. The Office reviewed the reports submitted by psychologists Dr. Mitchell L. Gottsagen and Dr. Goldberg and found no opinion supporting any period of total disability since June 12, 1980 due to appellant's accepted psychological condition.

¹ Docket No. 97-881 (issued March 29, 1999).

The Board finds that appellant has not met his burden of proof to establish that his employment-related stress disorder caused disability for work.

A claimant seeking benefits under the Federal Employees' Compensation Act² has the burden of proof to establish the essential elements of his claim by the weight of the evidence,³ including that he sustained an injury in the performance of duty and that any specific condition or disability for work for which he claims compensation is causally related to that employment injury.⁴

The Office accepts that appellant sustained an employment-related stress disorder. It remains for appellant to establish that this employment-related stress disorder caused a specific period of disability for work.

The evidence generally required to establish causal relationship is rationalized medical opinion evidence. The claimant must submit a rationalized medical opinion that supports a causal connection between the claimed disability and the accepted employment injury. The medical opinion must be based on a complete factual and medical background with an accurate history of the claimant's employment injury, and must explain from a medical perspective how the claimed disability is related to the injury.⁵

The Board has reviewed the record on appeal and finds insufficient psychological opinion evidence supporting that appellant's employment-related stress disorder has caused any specific period of disability for work. Dr. Gottsagen supported the relationship between appellant's stress disorder and his accepted employment injuries, and he noted the need for psychological intervention; however, he offered no reasoned opinion on the issue of appellant's disability for work. Dr. Goldberg supported that appellant's psychological condition was most likely related, at least in part, to continued back pain from a work accident in 1979. He recommended treatment but offered no reasoned opinion on disability for work.

Because appellant has submitted insufficient psychological opinion explaining how his employment-related stress disorder caused a specific period of disability for work, he has not met his burden of proof.

² 5 U.S.C. §§ 8101-8193.

³ *Nathaniel Milton*, 37 ECAB 712 (1986); *Joseph M. Whelan*, 20 ECAB 55 (1968) and cases cited therein.

⁴ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁵ *See John A. Ceresoli, Sr.*, 40 ECAB 305 (1988).

The May 12, 1999 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
November 15, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member